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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,150

03/06/2006

Hiroya Kondou

49288.2100

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52044

7590

06/12/2009

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,150	Applicant(s) KONDOU ET AL.	
	Examiner David D. Davis	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Receipt is acknowledged of the Information Disclosure Statement (IDS) received March 6, 2006 and March 17, 2008.

Drawings

3. Figures 9-17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Imaoka et al (EP 0 634 748 A2). As per claims 1 and 7, Imaoka et al shows in figure 2 a case member used in a cartridge 3 including a shutter member 7, for storing an information medium 4 having an information layer. The case member includes a lower case section 2 including a sliding sidewall and a window section 6 configured to allow at least a head to be inserted. The head is used to perform a recording operation or a reproduction operation for the information layer. Figure 2 of Imaoka et al also shows an upper case section 1 including a rear sidewall which is opposite to the sliding sidewall. The shutter member 7 includes a sliding section operable to slide along the sliding sidewall of the case member; a window opening/closing section operable to open/close the window section of the case member in accordance with a sliding motion of the sliding section; and an eaves engagement section operable to engage with at least a part of the upper case section 1.

Figure 2 of Imaoka et al additionally shows a step portion formed at a boundary between the upper case section 1 and the lower case section 2. The upper case section 1 includes a plurality of eaves sections 19. Each of the plurality of eaves sections 19 is configured to engage with the eaves engagement section of the shutter member 7. At least two of the plurality of eaves sections 19 are located spaced apart from each other by a predetermined distance. The

Art Unit: 2627

lower case section 2 includes a connection portion, and the connection portion is connected to the step portion at a location between the at least two eaves sections, which are located spaced apart from each other by the predetermined distance of the plurality of eaves sections.

As per claims 2 and 8, Imaoka et al shows in figure 2 the connection portion formed to have a planar shape. A surface of the connection portion and a surface of the lower case section 2 is formed the same surface. *Note: the lower case section 2 has similar arrangement as the upper case section.* As per claims 3 and 9, Imaoka et al shows in figure 2 an area obtained by projecting each of the plurality of eaves sections onto the lower case section 2 is substantially equal to an area of an opening through the lower case section 2. As per claims 4 and 10, Imaoka et al shows in figure 2 the plurality of eaves sections 19 are located substantially symmetrically with respect to a center line connecting a center of the sliding sidewall to a center of the rear sidewall.

As per claims 5 and 11, Imaoka et al shows in figure 2 the lower case section 2 including a connection portion formed on a center line connecting a center of the sliding sidewall to a center of the rear sidewall. As per claims 6 and 12, Imaoka et al shows in figures 2 and 4c each of the at least two eaves sections, which are located spaced apart from each other by the predetermined distance, of the plurality of eaves sections, has a width along a direction in which the sliding section is operable to slide. The width is greater than the predetermined distance, and the eaves engagement section of the shutter member 7 is configured to engage with at least one of the plurality of the eaves sections, even if the shutter member 7 is in an open state.

Conclusion

Art Unit: 2627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/
Primary Examiner
Art Unit 2627

ddd